IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10831 of 2007(M)

OS.324/2003 of PRL.SUB COURT,KOTTAYAM

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PETITIONER:

KORA VARGHESE, S/O.VARGHESE,
PROPRIETOR, M/S.KALATHOOR RUBBER FACTORY
THURUTHY P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.ANTONY C. ETTUKETTIL

RESPONDENTS:

1. KERALA FINANCIAL CORPORATION,
   THIRUVANANTHAPURAM,
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE DISTRICT CHIEF MANAGER,
   KERALA FINANCIAL CORPORATION, KOTTAYAM.

3. THE DISTRICT CHIEF MANAGER,
   KERALA FINANCIAL CORPORATION,
   KOTTAYAM.

BY ADV. JAMES KURIAN, SC FOR KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No.10831 of 2007

Dated this the 28th day of March,2007.

JUDGMENT

Heard the counsel for the petitioner. Admitted. Standing counsel for the Kerala Financial Corporation has entered appearance for respondents 1 to 3.

2. The grievance of the petitioner is that in O.S.324/2003 filed by him before the Sub Court, Kottayam, he filed I.A. No.2268/2003 for an injunction restraining the respondents from taking over the industrial unit run by him, but the court below is not passing any orders thereon though the respondents have entered appearance and despite the petitioner moving several advance petitions. In the meanwhile, respondents have issued Ext.P4 notice demanding the petitioner to hand over the possession of the industrial unit to the Kerala Financial Corporation and that before orders are passed on I.A.2268/2003, if the respondents implement Ext.P4, the petitioner would be put to irreparable injury and hardship.

2. It is seen that the suit O.S.324/2003 and in the injunction

petition filed therein were filed as early as in 2003. It is not known why despite requests made by the petitioner, the court below is not passing appropriate orders on I.A.2268/2003.

In the result, inasmuch as respondents have submitted and filed counter, I direct the Sub Judge, Kottayam, before whom the suit is pending, to pass appropriate orders on I.A. 2268/2003 in O.S.324/2003 before closing of the courts for mid-summer vacation on the 13th of April,2007. In the meanwhile, till 13.4.2007 the respondents are restrained from taking over possession of the industrial unit from the possession of the petitioner.

With the above directions, this writ petition is disposed of. The petitioner shall produce a copy of this judgment before the Sub Judge, Kottayam positively on or before 2.4.2007 failing which the above direction to dispose of the I.A. before closing of the courts may not be workable. Issue copy of this judgment to the counsel for the petitioner on application, as per rules, as expeditiously as possible.

(K.P.BALACHANDRAN, JUDGE)

ma /True copy/

P.A to Judge